

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NORTH DAKOTA

IN RE:

Blake Fitzgerald,

Bankruptcy No. 16-30351
Chapter 13

Debtor.

ORDER GRANTING MOTION FOR POST-CONFIRMATION MODIFICATION

On August 22, 2017, Debtor filed and served a Second Modified Chapter 13 Plan [Doc. 73] and a Motion and Notice for Post-Confirmation Modification [Doc 74]. The Court received no objections to the motion. The time to object expired.

In his Second Modified Plan, Debtor includes attorney's fees and costs of \$889.23 incurred in the preparation of the plan modification and related motion. Debtor's counsel did not file an itemization of fees and costs as required by 11 U.S.C. § 330. With the exception of the unsupported request for attorney fees, the Court finds that the Second Modification of Debtor's Chapter 13 Plan filed on August 22, 2017, meets the requirements of 11 U.S.C. §§ 1325 and 1329.

Therefore, **IT IS ORDERED** that the Motion for Post-Confirmation Modification is **GRANTED subject to the following limitation:** The provision in the Second Modified Plan providing that the Trustee shall pay \$889.23 in attorney's fees and costs to Madlom Law Office shall be treated as an estimated priority claim. This estimated priority claim shall not be paid unless Debtor's counsel files an application for fees and costs in compliance with 11 U.S.C. § 330 and the Court approves the application. The sum of fees and costs paid under the terms of the Second Modified Chapter 13 Plan shall not

exceed the amount approved by the Court. All other terms of the Second Modified Chapter 13 Plan are **APPROVED**.

Dated this 21st day of September, 2017.

/s/ Shon Hastings
Shon Hastings, Judge
United States Bankruptcy Court